

for Roanoke  
NOV 25 2009  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *W. Kiser* DEPUTY CLERK

MAURICE P. SCOTT, Petitioner,	)	Civil Action No. 7:09-cv-00377
	)	
	)	
v.	)	<b><u>ORDER</u></b>
	)	
	)	
PRISON GUARD KELLY, WARDEN, Respondent.	)	By: Hon. Jackson L. Kiser Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is  
**DISMISSED** as untimely filed; a Certificate of Appealability is **DENIED**; and the action is  
**STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum  
opinion to the petitioner.

ENTER: This 25<sup>th</sup> day of November, 2009.

*Jackson L. Kiser*  
Senior United States District Judge